

Fiscal Note

Fiscal Services Division



HF 528 – Interference With Official Acts (LSB 2049HV)

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Fiscal Note Version – New

Requested by Representative Mary Wolfe

Description

House File 528 changes the focus of the crime of interference with official acts from injuries inflicted by the defendant to injuries sustained by the official.

Background

Correctional and Fiscal Information

- Current law provides for a graduated system of penalties for interference with official acts, ranging from a simple misdemeanor to a Class “C” felony depending on the circumstances of the crime.
- According to the Justice Data Warehouse, in FY 2012 there was one charge for Class “D” felony interference with official acts involving injury that resulted in a conviction not-as-charged (usually for a lesser offense). During FY 2012, there was one charge for a Class “C” felony and 59 charges for aggravated misdemeanor interference with official acts involving injury that resulted in convictions not-as-charged.
- Offenders convicted of a simple misdemeanor offense are not supervised in Iowa’s corrections system. They are usually sentenced to a financial penalty or community service, or some combination thereof.
- The impact on the Judicial Branch’s operating budget is the case cost difference of a simple misdemeanor (\$28) and an aggravated misdemeanor (\$209) or a Class “D” felony (\$427).
- The impact on the indigent defense budget is the case cost difference between a simple misdemeanor (\$300) and an aggravated misdemeanor or Class “D” felony (\$1,200).
- According to the Justice Data Warehouse, the Criminal and Juvenile Justice Planning Division (CJJPD), and the Department of Corrections, the following are estimates for sentencing, length of stay by offense class, and costs for interference with official acts:

Criminal Justice System Information

Conviction Offense Class	Percent Sentenced to State Prison	Avg Length of Stay in Prison	Marginal Cost Per Day	Percent Sentenced to Probation	Avg Length of Stay on Probation	Avg Length of Stay on Parole	Average Cost per Day for Prob/Parole	Percent Sentenced to County Jail	Avg Length of Stay in County Jail	Marginal Cost Per Day*
Aggravated Misdemeanor	9.9%	9.0 months	\$17.60	45.6%	20.4 months	5.5 months	\$3.66	48.9%	28 days	\$15.00
Class “D” Felony	20.0%	21.2 months	\$17.60	80.0%	33.9 months	12.5 months	\$3.66	0.0%	0	\$15.00

*Marginal costs for county jails cannot be determined due to a lack of data. For purposes of this analysis, the marginal cost for county jails is assumed to be \$15.00 per day.

For aggravated misdemeanor convictions, the percent sentenced exceeds 100.0% (104.4%) because certain offenders receive a jail sentence and a probation sentence.

Minority Data Information

The table below shows the FY 2012 offender-based convictions for interference with official acts, according to the Iowa Court Information System (ICIS). Minority offenders are disproportionately convicted compared to their percentage of the Iowa population.

FY 2012 Convictions for Interference With Official Acts

Conviction Offense Class	Percent White	Percent Black	Percent Hispanic	Percent Native American	Percent Asian	Percent Other or Unknown
Simple Misd.	65.0%	27.2%	5.3%	0.9%	0.8%	0.8%
Serious Misd.	58.3%	41.7%	0.0%	0.0%	0.0%	0.0%
Aggravated Misd.	59.9%	33.6%	5.3%	0.7%	0.0%	0.5%
Class "D" Felony	52.6%	26.3%	0.0%	15.8%	5.3%	0.0%
Total Convictions	64.6%	27.6%	5.2%	0.9%	0.9%	0.8%

Refer to the Legislative Services Agency (LSA) [Minority Impact Memo](#), dated February 11, 2013, for information related to minorities in the criminal justice system.

Assumptions

Correctional and Fiscal Information

- Charge, conviction, and sentencing patterns and trends will not change over the projection period.
- Prisoner length of stay, revocation rates, plea bargaining, and other criminal justice policies and practices will not change over the projection period.
- The law will become effective July 1, 2013. A lag effect of six months is assumed from the effective date of this Bill to the date of first entry of affected offenders into the correctional system.
- Under this Bill, more charges will result in convicted-as-charged. Approximately half of the convictions currently being convicted not-as-charged will be convicted-as-charged under the Bill.
- These will be bench trials. Half of the offenders convicted are indigent.
- There will be increases in county jail sentences for aggravated misdemeanor convictions.

Minority Data Information: The impact on minorities will remain consistent with current data.

Summary of Impacts

Correctional Impact

There will be an estimated 30 offenders annually convicted of an aggravated misdemeanor and one offender annually convicted of a Class "D" felony under this Bill that are convicted of a simple misdemeanor under current law. Admissions to the correctional system are indicated in the following table:

Estimated Admissions to the Correctional System

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>
County Jail	7	15	15	15	15
State Prison	1	3	3	3	3
Probation/Parole	7	15	18	18	18
Total	15	33	36	36	36

On an annual basis, admissions exceed the number convicted because certain offenders will receive a jail sentence followed by a probation sentence. The prison population increase will level off in FY 2015, with an increase of three offenders annually thereafter. The probation and parole population is expected to trend upward over the five-year projection period because the length of stay under supervision exceeds one year for both aggravated misdemeanants and Class "D" felons.

Minority Impact

It is expected this Bill will have a disproportionate impact on minorities because approximately 34.6% of offenders convicted under the Bill's provisions may be minorities. Under current law, these simple misdemeanor offenders are not supervised in the corrections system. This Bill shifts simple misdemeanor convictions to aggravated misdemeanor and Class "D" felony convictions. There will be an increase in the number of minority offenders supervised in the correctional system.

Fiscal Impact

The fiscal impact is estimated to be an increased cost to the State General Fund of \$17,000 in FY 2014 and \$69,200 in FY 2015. The table below shows the impact by areas within the criminal justice system. Costs will continue to increase in future fiscal years because the length of stay in the corrections system exceeds one year.

Estimated Fiscal Impact by Funding Source

	<u>FY 2014</u>			<u>FY 2015</u>		
	<u>County Budgets</u>	<u>General Fund</u>	<u>Total</u>	<u>County Budgets</u>	<u>General Fund</u>	<u>Total</u>
County Jail	\$ 3,000	\$ 0	\$ 3,000	\$ 6,300	\$ 0	\$ 6,300
State Prison	0	3,200	3,200	0	19,300	19,300
CBC	0	4,600	4,600	0	29,400	29,400
Judicial Branch	0	2,900	2,900	0	5,800	5,800
Indigent Defense	0	6,300	6,300	0	14,700	14,700
Total	\$ 3,000	\$ 17,000	\$ 20,000	\$ 6,300	\$ 69,200	\$ 75,500

The fiscal impact to the Judicial Branch and indigent defense reflects the increased cost for aggravated misdemeanor and Class "D" felony cases, minus the costs for simple misdemeanor cases.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
State Court Administrator's Office

/s/ Holly M. Lyons

March 14, 2013

The fiscal note for this bill was prepared pursuant to [Joint Rule 17](#) and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
